

SENATE BILL 773

A2

11r2354

By: **Senator Conway**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Adult Entertainment – Age**

3 FOR the purpose of requiring a certain licensee or transferee in Baltimore City that
4 offers adult entertainment to prohibit patrons under a certain age on the
5 licensed premises; and generally relating to adult entertainment in Baltimore
6 City.

7 BY repealing and reenacting, with amendments,
8 Article 2B – Alcoholic Beverages
9 Section 12–203
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2010 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 2B – Alcoholic Beverages**

15 12–203.

16 (a) In this section, “adult entertainment” means:

17 (1) With respect to attire and conduct:

18 (i) Employment or use of any person in the sale or service of
19 alcoholic beverages in or upon the licensed premises while the person is unclothed or
20 in attire, costume, or clothing so as to expose to view any portion of the female breast
21 below the top of the areola or of any portion of the pubic hair, anus, cleft of the
22 buttocks, vulva, or genitals.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Employment or use of the services of any hostess or other
2 person to mingle with the patrons while the hostess or other person is unclothed or in
3 attire, costume, or clothing as described in subparagraph (i) of this paragraph.

4 (iii) Encouragement of or permitting any person on the licensed
5 premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other
6 person.

7 (iv) Permitting any employee or person to wear or use any device
8 or covering exposed to view, which simulates the breast, genitals, anus, pubic hair, or
9 any portion of it.

10 (2) With respect to entertainment provided:

11 (i) Permitting any person to perform acts of or acts which
12 simulate:

13 1. Sexual intercourse, masturbation, sodomy, bestiality,
14 oral copulation, flagellation, or any sexual acts which are prohibited by law.

15 2. The touching, caressing, or fondling of the breast,
16 buttocks, anus, or genitals.

17 3. The displaying of the pubic hair, anus, vulva, or
18 genitals.

19 (ii) Permitting any entertainer whose breasts and/or buttocks
20 are exposed (subject to the restrictions of subparagraph (i) of this paragraph) to
21 perform closer than 6 feet from the nearest patron.

22 (iii) Permitting any person to use artificial devices or inanimate
23 objects to depict, perform, or simulate any activity prohibited by subparagraph (i) of
24 this paragraph.

25 (3) Exhibiting or showing any motion picture film, still picture,
26 electronic reproduction, or other visual reproduction depicting:

27 (i) Acts or simulated acts of sexual intercourse, masturbation,
28 sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are
29 prohibited by law.

30 (ii) Any person being touched, caressed, or fondled on the
31 breast, buttocks, anus, or genitals.

32 (iii) Scenes where a person displays the vulva, or anus, or the
33 genitals.

1 (iv) Scenes where artificial devices or inanimate objects are
2 employed to depict, or drawings are employed to portray, any of the prohibited
3 activities described above.

4 (b) In Baltimore City, the Board of License Commissioners may not
5 authorize nor may the holder of any class of alcoholic beverages license permit adult
6 entertainment on the licensed premises or on adjacent property over which the
7 licensee has ownership or control.

8 (c) Upon a finding by the Board of License Commissioners that a violation of
9 this section has occurred, the Board shall impose a suspension or revocation of the
10 license, fine, or both.

11 (d) **(1) [This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
12 **SUBSECTION, THIS** section does not apply to any licensee that offers adult
13 entertainment as of May 31, 1993 or the transferee of the license for the same
14 premises if the transferee continues to offer adult entertainment.

15 **(2) A LICENSEE THAT OFFERS ADULT ENTERTAINMENT AS OF**
16 **MAY 31, 1993, OR THE TRANSFEREE OF THE LICENSE FOR THE SAME PREMISES**
17 **WHERE ADULT ENTERTAINMENT IS CONTINUED TO BE OFFERED MAY NOT**
18 **ALLOW A PATRON UNDER 21 YEARS OLD ON THE LICENSED PREMISES.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.